

HOUSE BILL 14

C7

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(PRE-FILED)

By: **Delegate George**

Requested: November 10, 2009

Introduced and read first time: January 13, 2010

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Gaming – Video Lottery Facilities – Restriction on Location**

3 FOR the purpose of prohibiting a proposed video lottery facility from being located
4 within a certain distance of a church, community center, playground, school, or
5 shopping center, unless the proposed video lottery facility is located on the site
6 of an existing horse racecourse; providing for the application of this Act; and
7 generally relating to video lottery gaming.

8 BY repealing and reenacting, with amendments,
9 Article – State Government
10 Section 9–1A–36(h)
11 Annotated Code of Maryland
12 (2009 Replacement Volume)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – State Government**

16 9–1A–36.

17 (h) (1) **[In] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN**
18 order to qualify for a video lottery operation license for a video lottery destination
19 location under this section, a proposed video lottery facility shall be located in one of
20 the following counties:

21 (i) a location in Anne Arundel County, within 2 miles of MD
22 Route 295;

23 (ii) a location in Cecil County, within 2 miles of Interstate 95;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (iii) a location on State property associated with the Rocky Gap
2 State Park in Allegany County that shall be in a building that is physically separate
3 from the Rocky Gap Lodge and Golf Resort;

4 (iv) a location in Worcester County, within 1 mile of the
5 intersection of Route 50 and Route 589; or

6 (v) a location in Baltimore City that is:

7 1. located:

8 A. in a nonresidential area;

9 B. within one-half mile of Interstate 95;

10 C. within one-half mile of MD Route 295; and

11 D. on property that is owned by Baltimore City on the
12 date on which the application for a video lottery operation license is submitted; and

13 2. not adjacent to or within one-quarter mile of property
14 that is:

15 A. zoned for residential use; and

16 B. used for a residential dwelling on the date the
17 application for a video lottery operation license is submitted.

18 **(2) A PROPOSED VIDEO LOTTERY FACILITY MAY NOT BE LOCATED**
19 **WITHIN 1,000 FEET OF A CHURCH, COMMUNITY CENTER, PLAYGROUND,**
20 **SCHOOL, OR SHOPPING CENTER, UNLESS THE PROPOSED VIDEO LOTTERY**
21 **FACILITY IS LOCATED ON THE SITE OF AN EXISTING HORSE RACECOURSE.**

22 **[(2)](3)** Nothing in paragraph (1)(v)1D of this subsection may be
23 construed to preempt the exclusive authority of the Video Lottery Facility Location
24 Commission to award video lottery operation licenses in accordance with this subtitle.

25 **[(3)](4)** (i) With respect to a video lottery operation license
26 issued for a location under paragraph (1)(iv) of this subsection, the holder of the video
27 lottery operation license or any other person with a direct or indirect legal or financial
28 interest in the Ocean Downs racetrack or video lottery facility may not:

29 1. build any type of hotel, motel, or other public lodging
30 accommodation on or within 10 miles of the property owned by the holder of the
31 license on which a video lottery facility is operated;

1 2. convert an existing facility on or within 10 miles of
2 the property described in item 1 of this subparagraph into any type of hotel, motel, or
3 other public lodging accommodation;

4 3. build or operate a conference center or convention
5 center, amusement park, amusement rides, arcade, or miniature golf course on or
6 within 10 miles of the property described in item 1 of this subparagraph; or

7 4. offer to patrons of the video lottery facility the playing
8 of live music, floor shows, dancing, dancing exhibitions, performances, or any other
9 form of live entertainment in or near the video lottery facility, provided that the holder
10 of the video lottery operation license for the location under paragraph (1)(iv) of this
11 subsection or another person with a direct or indirect legal or financial interest in the
12 Ocean Downs racetrack or the video lottery facility may allow:

13 A. live fireworks displays to be conducted on the
14 property; and

15 B. a single piano that is played by an individual.

16 (ii) The prohibitions under subparagraph (i) of this paragraph
17 apply to any subsequent holder of a video lottery operation license issued under
18 paragraph (1)(iv) of this subsection.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act does not apply to
20 a video lottery facility for which a license has been awarded or issued on or before the
21 effective date of this Act.

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2010.